

The Administration of Vacant, Fallow and Virgin Lands Law

(The Pyidaungsu Hluttaw Law No. 10/ 2012)

The 8th Waxing Day of Tagu, 1373 M.E.

(30th March, 2012)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called **the Administration of Vacant, Fallow and Virgin Lands Law**.
2. The expressions contained in this Law shall have the meanings given hereunder :
 - (a) **Central Committee** means the Central Committee of the Administration of Vacant, Fallow and Virgin Lands ;
 - (b) **Ministry** means the Ministry of Agriculture and Irrigation of the Union Government ;
 - (c) **Department** means the Settlements and Land Records Department;
 - (d) **Working Group** means the supporting group to the administration of vacant, fallow and virgin lands formed under this Law;
 - (e) **Vacant Land, Fallow Land** means the land which may carry out agriculture or live- stock breeding business and which were rented and carried out in the past and abandoned for various reasons and having no person to rent and carry out and the lands that are reserved and determined by the State;
 - (f) **Virgin Land** means virgin lands and wild forest which have not been cultivated even once, whether trees, bamboos and bushes grow on it or not, whether the topography is level or not. Such expression also includes the reserved forest, pasture and fish-ery lands legitimately cancelled to carry out agriculture, livestock breeding, mineral production and other businesses permitted by the Government which are in accord with law.
 - (g) **Insurance Premium** means the insurance premium prescribed in accord with this Law to entrust or guarantee a stipulated prior fee according to the business which is to be carried out or used to any bank recognized by the Government by a person who has the right to carry out or use vacant, fallow and virgin land;
 - (h) **Land Revenue** means the land revenue contained in rules made under this Law to pay the fixed rate to the State according to the business carried out or used by a person who has the right to carry out or use vacant, fallow and virgin lands ;
 - (i) **Perennial tree** means the fruit trees and trees which are grown contiguously and from which benefits may be obtained according to the category of tree for a period of years ;
 - (j) **Horticultural Crop** means various fruit trees which are cultivated contiguously or mixed and unnecessary to cultivate again although it is harvested repeatedly till the end of the life span;

- (k) **Seasonal Crop** means the crops that are cultivated by preparing the land again after having cultivated, harvested and obtained income within the growing season;
- (l) **Mineral Production Business** means the business carried out the mineral production defined in sub-section (j) of section 2 of the Myanmar Mines Law;
- (m) **Permit** means the order permitted to carry out or use by the Central Committee relating to the application for the right to carry out or use vacant, fallow and virgin lands in accord with this Law.

Chapter II

Formation of Central Committee for the Administration of Vacant, Fallow and Virgin Lands

- 3. The President of the Union:
 - (a) shall, for enabling to use, manage and carry out agriculture, livestock breeding, mineral production and other businesses permitted by the Government which are in accord with law on commercial scale by using the vacant, fallow and virgin lands effectively and properly for the economic development of the State, form the Central Committee for the Administration of Vacant, Fallow and Virgin Lands including the Union Minister for the Ministry of Agriculture and Irrigation as Chairman, the Director General of Settlements and Land Records Department as Secretary, suitable persons from the relevant Government organizations and other suitable persons as members ;
 - (b) may re-form the Central Committee formed under sub-section (a) as may be necessary.

Chapter III

Right to Carry out or Use Vacant, Fallow and Virgin Lands

- 4. The Central Committee may permit the right to carry out or use vacant, fallow and virgin lands in the State for the following businesses:
 - (a) agricultural business;
 - (b) livestock breeding business;
 - (c) mineral production business;
 - (d) other businesses permitted by the Government which are in accord with law.
- 5. The following persons and organizations may, if it is desirous to obtain the right to carry out or use vacant, fallow and virgin lands in the State for the businesses contained in section 4, apply to the Central Committee in accord with the stipulations:
 - (a) Myanmar citizen investors;
 - (b) Government departments, Government organizations and non- Government organizations;
 - (c) persons who are exempted in accord with section 14 of the Transfer of Immoveable Property Restriction Law, 1987;
 - (d) investors permitted under the Foreign Investment Law who shall carry out matters for the common interest with any Government department and Government organization;
 - (e) investors permitted under the Foreign Investment Law who shall carry out matters for the common interest with Myanmar citizen investors.
- 6. The Central Committee shall, in respect of matters applied under section 5;

- (a) obtain the remark of the relevant Region or State Government ;
 - (b) request the remark from the Ministry of Mines if it is for the business of mineral production and from the relevant Ministry if it is for other businesses contained in sub-section (d) of section 4;
 - (c) coordinate with the Ministry of Environmental Conservation and Forestry, other relevant Ministries so as not to damage forest areas which are the reserved forests and protected public forests and for conserving natural lands, watershed areas and natural fisheries;
 - (d) submit the required advice to the Union Government to enable to reclaim distinctly the land use policy of the State.
7. The Central Committee may allow the businesses applied for the right to carry out or use vacant, fallow and virgin lands for making foreign investment with the approval of the Myanmar Investment Commission.
8. The Central Committee may, for enabling to use, manage and carry out the businesses applied for the right to carry out or use vacant, fallow and virgin lands effectively and properly, permit or refuse the right to carry out or use vacant, fallow and virgin lands.
9. The Central Committee shall, when the right to carry out or use vacant, fallow and virgin lands is permitted under section 8, issue the permit after causing to pay insurance premium.

Chapter IV

Stipulations Relating to the Right to Carry out or Use Vacant, Fallow and Virgin Lands

10. The Central Committee may, when permitting vacant, fallow and virgin lands for agriculture, livestock breeding and businesses relating to them in respect of land area:
- (a) in the agricultural business:
 - (i) permit not exceeding 5000 acres at a time, if it is the perennial tree. If it has been carried out 75 percent of the permitted acres fully, permit not exceeding 5000 acres for a time and up to the total of 50000 acres time after time. If it is the business which should be permitted for the interest of the State, permit more than 5000 acres at a time of acres that can actually grow with the approval of the Union Government;
 - (ii) if it is the horticultural crops, permit not exceeding 3000 acres;
 - (iii) if it is the industrial seasonal crop, permit not exceeding 5000 acres at a time. If it has been carried out 75 percent of the permitted acres fully, permit not exceeding 5000 acres for a time and up to the total of 50000 acres time after time. If it is the business which should be permitted for the benefit of the State, permit more than 5000 acres at a time with the approval of the Union Government;
 - (iv) administer to enable to permit by the relevant regional organization, not exceeding 50 acres of vacant, fallow and virgin lands for the rural farmers and family capacity who desire to carry out agriculture;
 - (b) in the breeding business:
 - (i) if it is the breeding of fish, prawn and crab, permit not exceeding 1000 acres;
 - (ii) if it is the livestock breeding :
 - (aa) if it is the breeding of buffalo, cow or horse, permit not exceeding 2000 acres;
 - (bb) if it is the breeding of sheep or goat, permit not exceeding 500 acres;
 - (cc) if it is the breeding of poultry, swine, duck or quail, permit not exceeding 300 acres;

- (iii) if it is the livestock breeding not involved in clause (i) and (ii), permit the suitable acres;
 - (c) coordinate with the Ministry of Mines of the Union Government, and permit the mineral production business;
 - (d) coordinate with the relevant Ministry of the Union Government and permit other businesses permitted by the Government which are in accord with law.
- 11.** The Central Committee may, when permitting vacant, fallow and virgin lands for the agriculture, livestock breeding and the businesses relating to them, in respect of period;
- (a) in the agricultural business:
 - (i) if it is the perennial tree and horticultural crop, permit not exceeding 30 years from the commencing year of permission;
 - (ii) if it is the seasonal crop, permit in so far as the stipulated terms and conditions are not violated;
 - (b) in the livestock breeding business, permit not exceeding 30 years from the commencing year of permission;
 - (c) permit not exceeding the total of 30 years time after time depending on the category of business, for the business which is desirous to continue to carry out after the expiry of permitted term under clause (i) of sub-section (a) and sub-section (b);
 - (d) coordinate with the Ministry of Mines of the Union Government and permit the mineral production business;
 - (e) coordinate with the relevant Ministry of the Union Government and permit other businesses permitted by the Government which are in accord with law.
- 12.** The Central Committee shall, if it is applied by the investors permitted under the Foreign Investment Law or the organization in which investors permitted under the Foreign Investment Law are involved for the right to carry out or use vacant, fallow and virgin lands, scrutinize and permit to enable investment only the businesses which are unable to carry out by the citizens.

Chapter V

Insurance Premium and Land Revenue

- 13.** The Central Committee shall determine the rate of insurance premium to be paid according to the category of business by the person who has the right to carry out or use vacant, fallow and virgin lands.
- 14.** The Central Committee shall determine the rate of land revenue to be levied and the exempted period of suitable land revenue according to the category of business or crop for the right to carry out or use vacant, fallow and virgin lands.
- 15.** The Department shall:
- (a) assess and levy the land revenue from the person who has the right to carry out or use vacant, fallow and virgin lands starting from the expiry of the exempted period of land revenue according to the category of business or crop ;
 - (b) supervise and inspect the payment of land revenue of the person who has the right to carry out or use vacant, fallow and virgin lands.

Chapter VI

Terms and Conditions to be Complied by the Person who has the Right to Carry out or Use Vacant, Fallow and Virgin Lands

16. The person who has the right to carry out or use vacant, fallow and virgins shall:
- (a) carry out only the permitted category of business and the business relating to it;
 - (b) reclaim and carry out the permitted land until the completion of business according to the stipulation within 4 years starting from the day of permission. The prescribed period for the passed time due to the natural disaster or unstable situation may be amended and stipulated by the Central Committee;
 - (c) not mortgage, gift sell, lease, transfer by other means or divide the permitted vacant, fallow and virgin lands without permission of the Union Government :
 - (d) pay up the land revenue for vacant, fallow and virgin lands which he has the right to carry out;
 - (e) comply with the terms and conditions stipulated by the Central Committee relating to the right to carry out or use vacant, fallow and virgin lands;
 - (f) not extract other natural resources above and below the ground except the permitted business;
 - (g) when confiscating the required land area from the permitted land area, in finding the natural resources within the permitted land and the Government is desirous to produce commercially, shall return as directed by the Union Government.

Chapter VII

Supervision

17. The Central Committee shall, for enabling to carry out scrutinizing and co-ordinating the submitted matters relating to the right to carry out or use vacant, fallow and virgin lands, form the Working Groups and Specific Bodies in respective Region or State and stipulate their functions.
18. The Central Committee may, to inspect whether or not the person who has the right to carry out or use vacant, fallow and virgin lands is carrying out the works in accord with the stipulated terms and conditions, form and assign duty to the special body containing a collective of departments concerned from time to time.
19. The Central Committee has the right to recover the required minimum land area from the permitted vacant, fallow and virgin lands if any of the following conditions arises:
- (a) finding the ancient cultural heritages in the permitted vacant, fallow and virgin lands;
 - (b) requiring to carry out the infrastructure project or special project for the interest of the State;
 - (c) finding other resources except the permitted category of metal in the vacant, fallow and virgin lands permitted for the mineral production business;
 - (d) finding resources in the vacant, fallow and virgin lands permitted to carry out the business contained in sub-sections (a), (b) and (d) of section 4.
20. The Central Committee shall, for recovering the permitted vacant, fallow and virgin lands under section 19, coordinate with the relevant departments and organizations to enable to obtain the compensation of the expenditures actually invested by the person who has the right to carry out or use, within the suitable stipulated period by calculating the current value with the approval of the Union Government.

21. The Central Committee is entitled to confiscate the originally deposited insurance premium as the State finance and shall also revoke the right to carry out or use if it is found that any terms and conditions contained in this Law is violated by the person who has the right to carry out or use vacant, fallow and virgin lands.
22. The persons and organizations which have the right to carry out or use under the permit of the Central Body of the Administration of Vacant, Fallow and Virgin Lands before the enactment of this Law shall:
 - (a) submit to the Central Committee after mentioning the area of permitted vacant, fallow and virgin lands, the date and letter number of permission fully, the area actually reclaimed, carried out and used and the rest of the area with irrefutable evidence attached with the photographic records after compiling the record:
 - (b) comply with and carry out in accord with this Law relating to the vacant, fallow and virgin lands reclaimed, carried out and used;
 - (c) be deemed that the State has been confiscated the vacant, fallow and virgin lands which are not yet reclaimed, carried out and used after the expiry of the original permitted period:
 - (d) if it is found the failure of carrying out the business in accord with the stipulated terms and conditions or the violation of terms and conditions within the original permitted period, the insurance premium shall be confiscated as the State finance and the right to carry out or use vacant, fallow and virgin lands shall be revoked.

Chapter VII

Supporting the Persons who have the Right to Carry out or Use Vacant, Fallow and Virgin Lands

23. The Central Committee may:
 - (a) support necessary assistance if the person who has the right to carry out or use vacant, fallow and virgin lands communicates and requests for technology, good and pure seeds and other supports for agriculture or livestock breeding business;
 - (b) scrutinize and recommend to the relevant department and organization if the person who has the right to carry out or use vacant, fallow and virgin lands is desirous to obtain loans for investment or supporting material and service assistance;
 - (c) recommend to the relevant Ministry for obtaining special loan from the State if the huge damage or loss arises due to natural disaster as storm falling after the person who has the right to carry out or use vacant, fallow and virgin lands has implemented and carried out the business.
24. The Central Committee shall refund the insurance premium to persons who have the right to carry out or use vacant, fallow and virgin lands, who have implemented the business completely in accord with terms and conditions within the stipulated period.
25. The Central Committee shall:
 - (a) if the person who has the right to carry out or use submits that he has suffered the dispute, obstruction, trespass and mischief with the native farmers in implementing the business, coordinate with the relevant department or organization firstly. If the coordination is not settled, it shall be carried out in accord with law;

- (b) if currently cultivated land of the native farmers are included in the area of vacant, fallow and virgin lands since before granting the right to carry out or use such land, although they do not have the right to carry out legally, coordinate and carry out on their volition so as not to be suffered.
- (c) if there are farmers who already had the right to carry out on the area since before granting the right to carry out or use such land, cause to continue to carry out in accord with law by mutual agreement.

Chapter IX

Offences and Penalties

- 26.** Whoever commits mischief relating to property on the land having the right to carry out or use vacant, fallow and virgin lands under this Law shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not exceeding ten hundred thousand kyats or with both.
- 27.** Whoever trespasses and carries out on the lands having the right to carry out or use vacant, fallow and virgin lands under this Law without permission of the person who has the right to carry out or use vacant, fallow and virgin lands or the person who is responsible on his behalf shall, on conviction, be punished with imprisonment for a term not exceeding two years or with fine not exceeding five hundred thousand kyats or with both.
- 28.** Whoever obstructs the implementation of business on the land having the right to carry out or use vacant, fallow and virgin lands under this Law, of the person who has the right to carry out or use vacant, fallow and virgin lands or of the person who carries out under the permission of such person shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding three hundred thousand kyats or with both.
- 29.** Whoever fails to leave from the land which right to carry out or use vacant, fallow and virgin lands under this Law is revoked shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding three hundred thousand kyats or with both.

Chapter X

Miscellaneous

- 30.** The offences contained in Chapter IX shall be determined as cognizable offences.
- 31.** The Central Committee may cause the person who has the right to carry out or use vacant, fallow and virgin lands to submit the situation of implementation and completion of business in accord with the stipulations.
- 32.** The Central Committee shall submit the implementation relating to the management of vacant, fallow and virgin lands once in six months to the Union Government. If it arises to accept the decision relating to policy, it shall submit to the President systematically and accept guidance.
- 33.** The Central Committee formed under this Law shall succeed the functions and duties of the Central Committee of the Administration of Vacant, Fallow and Virgin Lands formed before the enactment of this Law.
- 34.** In implementing the provisions contained in this Law:

- (a) the Ministry may issue the necessary rules, regulations and bye-laws with the approval of the Union Government ;
- (b) the Ministry and the Central Committee may issue the necessary notifications, orders, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

**President of the Union
The Republic of the Union of Myanmar**